

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

H.R. BUSHMAN & SON, CORP., )  
et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
SPUD PACKERS, INC., et al., )  
 )  
Defendants. )

Case No. 4:06CV1638 CDP

**PAY OUT ORDER**

This matter is before me on the motion of certain plaintiffs for release of certain registry funds. The Bushman plaintiffs have objected to the release of funds, arguing that I should assess a portion of the administrative fee to these plaintiffs. Under all the circumstances of this case, I do not believe it is in the interests of justice to assess any portion of the fee against these settling plaintiffs. The administrative fee charged is 10% of the accrued interest. The precise amount of both the accrued interest and thus the fee cannot be calculated until all the funds are disbursed. Calculating what portion of the funds received by these plaintiffs might be attributable to accrued interest would unduly complicate the resolution of this case, and is simply an unnecessary exercise. I will therefore order that none of the accrued interest is part of this disbursement, so there will be no fee charged on

this disbursement. The remaining parties who may receive the remaining funds will therefore receive all of the accrued interest and will pay the full portion of the fee. Therefore, I will grant Associated Potato Group's request in full and allow the requested amount to be disbursed from the registry without a reduction for any portion of the administrative fee.

Accordingly,

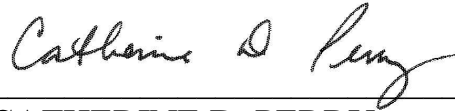
**IT IS HEREBY ORDERED** that the joint motion for an order releasing certain registry funds [#207] is granted.

**IT IS FURTHER ORDERED** that the Court's financial administrator shall release certain Registry funds as follows:

- a. The principal sum currently on deposit in the Registry is approximately \$212,550.75.
- b. The principal sum to be disbursed is \$13,463.83.
- c. No accrued interest is payable on the amount sought to be disbursed. The Clerk may deduct any applicable administrative fee against the accrued interest, but not against the principal sum sought to be disbursed.
- d. The disbursement check for \$13,463.83 shall be made payable to "Martyn and Associates, In Trust."
- e. The check should be mailed by the Court to: Martyn and Associates,

820 Superior Ave., NW, Tenth Floor, Cleveland, OH 44113.

f. The corporate tax ID number for Martyn and Associates is 34-1789268.

A handwritten signature in cursive script, reading "Catherine D. Perry".

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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of February, 2008.